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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO(OS) 346/2016**

RAKESH SEHGAL

..... Appellant

Through : Mr Rajat Wadhwa with Mr Kuljeet Singh
and Mr Himanshu Nailwal

versus

RAVINDER KR SEHGAL & ANR

..... Respondents

Through : Mr S. K. Sharma with Mr Prayas Aneja
and Mr Archit

CORAM:

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE ASHUTOSH KUMAR

ORDER

02.12.2016

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CAV 1015/2016

The learned counsel for the respondents/caveators is present.

The caveat stands discharged.

CM 44613/2016(exemption)

Allowed subject to all just exceptions.

FAO(OS) 346/2016 & CM 44612/2016(stay)

This appeal is directed against the order dated 23.11.2016. We have heard the learned counsel for the parties at length. Fortunately, we will not have to give any further details of the arguments because the learned counsel for the parties have arrived at a consensus and an agreement as to the manner in which the evidence would be led. The respondent No.1 had already been examined in-chief in Testamentary Case No. 12/2011 and has been partly cross-examined also. The said testamentary case has been consolidated with four other matters – Testamentary Case 47/2010, Testamentary Case 92/2010, CS(OS) 382/2011 and

CS(OS) 553/2011. The learned counsel for the respondent No.1 submits that in view of the consolidation of all these matters, he has to tender evidence afresh. Consequently, it has been agreed that a consolidated affidavit by way of evidence shall be tendered by the respondent No.1 and he would be subjected to continuation of cross-examination by the appellant. After the cross-examination is concluded, the direction given by the learned Single Judge placing the onus of leading evidence on the plaintiff shall be complied with.

The appeal stands disposed of on the above terms. The parties shall appear before the Local Commissioner on the date fixed.

Dasti.

BADAR DURREZ AHMED, J

ASHUTOSH KUMAR, J

**DECEMBER 02, 2016
SR**